

Remarks

Claims 1-25 are pending of which claims 1, 2, 4-8, 10-16, 18, 20, and 22-25 are rejected and claims 3, 9, 17, 19, and 21 are withdrawn from consideration. By this paper, Applicant amends claims 1, 10, 14, and 23, and cancels claim 4.

Claim Rejections - 35 U.S.C. § 112 ¶ 2

The Examiner has rejected claim 10 under 35 U.S.C. § 112 ¶ 2 as being indefinite, and not having antecedent basis for the rejection. Claim 10 is amended to change component to section thereby correcting antecedent basis and indefiniteness. Claim 10 is therefore in condition for allowance.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 5-8, 10-13, 15, 16, 18, and 22 under 102(b) as being anticipated by Strauss, U.S. Patent No. 4,243,529.

Claim 1 has been amended to contain the limitations of dependent claim 4, and now requires that "the hollow body is nonfloatable in a pool of water". No new issues are raised by this amendment. The Examiner does not reject claim 4 over Strauss. Strauss teaches floatation systems 76, 82 within the apparatus, preventing the apparatus from being nonfloatable. Therefore, claim 1 is not anticipated by Strauss.

Claims 2, 5-8, 10-13, 15, 16, 18, and 22 depend from claim 1, and are therefore not anticipated by Strauss for at least the reasons stated above with respect to claim 1.

Additionally, claim 10 was amended to correct for indefiniteness and antecedent basis and now requires that "one section of the pair of sections is hingedly attached to the other section of the pair of sections at adjacent respective ends of each of the sections". The Examiner

states that Strauss teaches that "one component is hingedly attached to the other component . . . upper section of (20) and the lower section . . . in figure 1." The upper section of 20 and the lower section in Strauss do not correspond to the pair of sections in claim 10. The pair of sections in claim 10 "mount about the inlet end of a conduit" and "form at least one opening in a generally horizontal plane between them, allowing liquid to ingress from the pool to the interior of the hollow body and the inlet of the conduit". Strauss teaches the pair of sections 52, 54 to be "held together by a central bolt 70". (Figure 3 and Column 3, lines 6-9). Therefore, Strauss does not anticipate claim 10.

Additionally, claim 12 requires that the "the retaining means [for the inlet for the conduit within the hollow body] is a plurality of upright rods attached to an internal surface of the hollow body. The Examiner states that Strauss teaches a rod 70 as a retaining means as shown in Figure 4. Element 70 in Strauss is a central bolt used to hold sections 52, 54 together, and not to retain a conduit inlet. (Figure 3 and Column 3, lines 6-9). Therefore Strauss does not anticipate claim 12.

Claim Rejections - 35 U.S.C. § 103

Rejection of claim 4 over Strauss in view of Ellison

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Strauss, U.S. Patent No. 4,243,529 in view of Ellison, U.S. Patent No. 5,053,145.

Claim 4 has been cancelled and the limitations of claim 4 have been added to claim 1. Amended claim 1 now requires that "the hollow body is nonfloatable in a pool of water". No new issues are raised by this amendment. The Examiner states that Ellison teaches that the "hollow body (10) is nonfloatable in a pool of water, in column 3, lines 36-37" and that it "would have been obvious . . . to make the hollow body non foldable as taught by Ellison in order to ensure that the hollow body is structurally supported fixed against external loads." Ellison teaches "a floating or stationary weir 10" (Figure 1 and Column 3, lines 36-37). Strauss teaches a "floating oil collection unit 14". (Column 2, line 39). Since both Straus and Ellison

teach a floating apparatus, the combination of references teaches away from claim 1, which requires that the "hollow body is nonfloatable in a pool of water". Therefore, amended claim 1 is nonobvious.

Rejection of claim 14 over Strauss in view of Ellison further in view of Hagan

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Strauss, U.S. Patent No. 4,243,529 in view of Ellison, U.S. Patent No. 5,053,145 as applied to claim 4 further in view of Hagan, U.S. Patent No. 5,108,591.

Claim 14 has been amended to change its dependency from cancelled claim 4 to claim 1. No new issues are raised by this amendment. Claim 1 now requires that "the hollow body is nonfloatable in a pool of water". Ellison teaches "a floating or stationary weir 10" (Figure 1 and Column 3, lines 36-37). Strauss teaches a "floating oil collection unit 14". (Column 2, line 39). Hagan teaches a collector head 20 having floats 1 which "floats in as little as one inch of water". (Figure 1 and Column 3, lines 20-22 and 31-32). Since Strauss, Ellison, and Hagan teach a floating apparatus, the combination of references teaches away from claim 1, which requires that the "hollow body is nonfloatable in a pool of water". Amended claim 1, and therefore dependent claim 14, are nonobvious over Strauss, Ellison, and Hagan.

Rejection of claim 20 over Strauss in view of Hagan

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Strauss, U.S. Patent No. 4,243,529 as applied to claim 15 in view of Hagan, U.S. Patent No. 5,108,591.

Claim 20 depends from claim 15 which in turn depends from claim 1. Claim 1 now requires that "the hollow body is nonfloatable in a pool of water". Hagan teaches a collector head 20 having floats 1 which "floats in as little as one inch of water". (Figure 1 and Column 3, lines 20-22 and 31-32). Since Strauss and Hagan teach a floating apparatus, the combination of references teaches away from claim 1, which requires that the "hollow body is nonfloatable in

a pool of water". Amended claim 1, and therefore dependent claim 20, are nonobvious over Strauss and Hagan.

Rejection of claims 23-25 over Breslin in view of Strauss

The Examiner rejected claims 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Breslin, U.S. Patent No. 5,474,685 in view of Strauss, U.S. Patent No. 4,243,529.

Amended claim 23 contains the limitations of dependent claim 10 and now requires a "pair of arcuate sections form[ing] a hollow body [with] at least one opening located along the junction between the pair of sections . . . allowing liquid to flow radially into the hollow body" where "one section of the pair of sections is hingedly attached to the other section of the pair of sections". Strauss teaches the pair of sections 52, 54 to be "held together by a central bolt 70". (Figure 3 and Column 3, lines 6-9). Breslin teaches a float 26 which "resides at an interface 21 of two unmixed liquids" or a "specific gravity floating liquid detection and skimming device." (Column 5, lines 54-57; Column 8, lines 17-19). The float of Breslin does not have arcuate sections which are hingedly attached, as required in claim 23. Since the combination of references does not teach suggest or provide all of the limitations of claim 23, claim 23 is nonobvious.

Claims 24-25 depend from claim 23 and are nonobvious over the combination of references for at least the reasons stated above with respect to claim 23.

Conclusion

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

Respectfully submitted,
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